

**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter of)	
)	
Advanced Television Systems)	MB Docket No. 87-268
And Their Impact on the)	
Existing Television Broadcast)	
Service)	

To: The Commission

PETITION FOR RECONSIDERATION

American Christian Television Services, Inc. ("ACTS"), by its attorneys, hereby submits this Petition for Reconsideration of the Seventh Report and Order in the above referenced docket. ACTS requests a change in the channel allotted to WTLW(DT) (Facility ID 1222), Lima, Ohio ("WTLW" or the "Station") for post-transition digital television ("DTV") operations from Channel 47 to Channel 44.

Currently, WTLW operates on NTSC Channel 44 and DTV Channel 47. The Station elected to operate on its DTV Channel 47 for post-transition DTV operations (FCC File No. BFRECT-20050113AAE). For the reasons set forth below, however, ACTS submits that the public interest would be better served if WTLW is allowed to simply flash-cut from analog to digital operations on Channel 44.

ACTS's analog antenna is located on top of its tower. The Station is currently operating with a digital antenna that is side-mounted at a lower height on the same tower. If WTLW stays on Channel 47, then in order to replicate the coverage area certified in its Form 381 it must remove the top-mounted analog antenna and replace it with a new digital antenna. The Commission has acknowledged that stations like WTLW that must remove a top-mounted analog

antenna face a “unique and insurmountable impediment to construction”¹ because the work necessary to complete the transition will inevitably result in a substantial disruption of service to the Station’s analog and digital viewers. Such a disruption would be especially disastrous for WTLW and its viewers.

WTLW’s location in Western Ohio greatly complicates the timing of its final digital build-out. The winter weather in this region can be harsh. The average snowfall in late January to early February in this region is 7.5 inches.² Therefore, WTLW must either risk completing its build-out in harsh winter conditions, complete its digital construction early and seek authority to take its analog station silent months before the final transition date, or turn off its analog station on February 17, 2009 and wait until Spring to remove its analog antenna from its top-mount position and replace it with a digital antenna.

A build-out in late January or early February is fraught with complications in this region of the country. The tower crew anticipates that the analog antenna could be removed and replaced with the new digital antenna in approximately seven days. However, all personnel must cease work and vacate the tower in case of rain, snow or high winds – all common at this time of year – which would significantly increase construction time, and thus the time the station is off the air. WTLW’s second option is to complete the transition early, before the weather deteriorates. Given the large number of viewers that receive WTLW over-the-air, as described below, the Station is reluctant to discontinue analog service any earlier than necessary. However, its last alternative of waiting until Spring to complete the transition also runs the risk

¹ *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television, Notice of Proposed Rulemaking*, MB Docket No. 07-91, FCC 07-70, ¶74, released May 18, 2007 (“Third Periodic Review”).

² <http://www.city-data.com/city/Lima-Ohio.html>

of compromising service to over-the-air viewers located in the short-fall between the Station's top-mount and side-mount signals.

ACTS operates WTLW on a limited budget, funded in significant part by viewer contributions. Located in rural Western Ohio, many of the families who are mainstays of WTLW's viewing audience receive WTLW's signal over the air. In fact, a recent survey conducted by WTLW concluded that between 50-58% of its contributors receive WTLW's signal using an antenna rather than through cable or satellite. *See Declaration of Kevin Bowers, Exhibit 1 and Survey Form, Exhibit 2.*

Concerned by the fact that at least 50% of its contributors – a statistic that does not factor in those viewers that do not contribute - will be unable to receive the Station's signal for a full week, if not longer,, while the Station completes its digital build-out, ACTS began searching for ways to minimize the disruption to its viewing audience. ACTS has now determined that the Station's transition to digital can be made seamlessly by simply remaining on Channel 44 and converting its top-mounted antenna from analog to digital operations. In fact, because all necessary equipment is already on hand and no additional tower work would be required for WTLW to flash-cut from analog to digital on Channel 44, the Station's engineer estimates that this transition would take the Station off the air for less than one hour - a dramatic improvement over the estimated seven days, if not longer, the Station will be off the air if it must replace the current top-mounted Channel 44 antenna with a new Channel 47 antenna.

Significantly, allowing WTLW to substitute Channel 44 as its final digital channel will not interfere with the digital transition plans of any other broadcaster. As shown in the attached Technical Statement prepared by du Treil, Lundin & Rackley, Inc., a digital allotment for

WTLW on Channel 44 complies with the FCC's 0.1% interference standard. *See* Technical Statement, Exhibit 3.

In sum, allowing WTLW to remain on Channel 44 in lieu of Channel 47 for post-transition digital operations would better serve the public interest. First, it would allow WTLW to complete the transition with minimal disruption to the large number of viewers who receive WTLW over-the-air. Second, it would allow WTLW to wisely manage its limited budget by using its existing, digital compatible antenna rather than expending significant resources to obtain a new top-mount digital antenna. Accordingly, for the reasons stated herein, ACTS respectfully requests that the Commission change the post-transition channel assigned to WTLW from Channel 47 to Channel 44 and modify the DTV Table of Allotments, Appendix B, accordingly.

Respectfully submitted,

AMERICAN CHRISTIAN TELEVISION
SERVICES, INC.



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Dated: October 25, 2007

Exhibit 1

DECLARATION OF KEVIN BOWERS

I, Kevin Bowers, hereby declare under penalty of perjury that the following is true and correct:

1. I am President of American Christian Television Services, Inc., the licensee of WTLW(TV).

2. WTLW TV is a non profit organization that operates with a commercial license. Approximately 43% of our revenue is derived from the contributions of viewers.

3. As a small-market station located in rural Western Ohio, we are especially sensitive to the needs of viewers which receive our signal over-the-air, via antenna. WTLW has steadily been acquiring information to determine how our contributing viewers receive WTLW, whether through satellite, cablevision, wireless cable or antenna. In 2006, we sent the attached survey form to those viewers who made a donation to WTLW.

4. The responses to these surveys showed that between 50% to 58% of WTLW's contributing viewers receive WTLW's signal via indoor or outdoor antenna. Therefore, any disruption of over-the-air service would have a significant impact on these viewers as well as being a major threat to WTLW's viability.

5. I have reviewed the foregoing Petition for Reconsideration and, to the best of my knowledge, information and belief formed after reasonably inquiry, it is well grounded in fact.


Kevin Bowers

Dated: October 24, 2007

Exhibit 2

WTLW TV Viewer Survey

Please return this completed survey in the enclosed stamped envelope.
All information will be kept confidential. Call 419-339-4444 if you have any questions.

Please check the delivery means that best describes how you receive a TV signal into your home:

- ☐ Cablevision ☐ WATCH TV ☐ Outdoor Antenna
- ☐ Indoor attic antenna ☐ Indoor tabletop antenna
- ☐ Satellite dish with indoor antenna for local channels
- ☐ Satellite dish with outdoor antenna for local channels
- ☐ Satellite dish with local channels provided by the satellite company

If you are a cablevision, WATCH TV or satellite subscriber, is there a second TV in your home that only receives TV signals through an antenna?

☐ YES ☐ NO ☐ I DON'T KNOW

Do you plan to purchase a new TV before January 1, 2009?

☐ YES ☐ NO ☐ I DON'T KNOW

If you receive your signal through an antenna, do you plan to subscribe to cablevision, WATCH TV or satellite before January 1, 2009?

☐ YES ☐ NO ☐ I DON'T KNOW

If you receive your signal through an antenna, do you use a preamplifier to receive a stronger signal?

☐ YES ☐ NO ☐ I DON'T KNOW

If you receive your signal through an antenna, do you use an antenna rotator (rotor)?

☐ YES ☐ NO ☐ I DON'T KNOW

Please write down any other information that helps describe how you receive your TV signals:

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Exhibit 3

TECHNICAL EXHIBIT
IN SUPPORT OF PETITION FOR RECONSIDERATION
AMERICAN CHRISTIAN TELEVISION SERVICES, INC.
TELEVISION STATION WTLW, LIMA, OHIO
MB DOCKET NO. 87-268

This Technical Exhibit was prepared on behalf of American Christian Television Services, Inc., licensee of television station WTLW, Lima, Ohio, in support of a Petition for Reconsideration of the *Seventh Report and Order* in MB Docket No. 87-268. This exhibit supports the modification of the allotment for WTLW-DT, Lima, Ohio from Channel 47 to Channel 44, WTLW's current analog channel. It is demonstrated herein that WTLW-DT's Appendix B allotment facility can be modified to Channel 44 without disruption to the FCC allotment table adopted in the *Seventh Report and Order*.

It is proposed to retain the WTLW-DT allotment specifications in all respects except for a change in channel from 47 to 44. The WTLW-DT allotment facility is specified with site coordinates of 40-45-47 N.L. / 84-10-59 W.L. (NAD 27). The antenna pattern is essentially omni-directional* with a maximum effective radiated power (ERP) of 50 kW and an antenna height above average terrain (HAAT) of 207 m.

The WTLW(TV) licensed analog facility is located at the identical site and height as the WTLW-DT allotment facility. The WTLW(TV) analog facility operates with a non-directional antenna, which would be ideally suited to rapidly implement the digital allotment on Channel 44 if the WTLW-DT allotment facility is changed from Channel 47 to Channel 44.[†]

An engineering analysis was conducted to determine the predicted interference to all other licensee's potentially affected Appendix B allotment facilities. The analysis calculated net new predicted interference according to the procedures

* The FCC allotment pattern has a minima of 0.990, which translates to an ERP of 49 kW.

[†] See FCC File No. BMLCT-20010123ABE.

outlined by the FCC in the *Second DTV Periodic Report and Order*[‡] and related Public Notices. The analysis results are summarized as follows:

Analysis of Channel 44, WTLW-DT, Lima, OH (50 kW, 460 m AMSL, 207 m HAAT)

Channel 43 WTVS-DT, Detroit, MI
Proposal causes no interference.

Channel 44 WDTI-DT, Indianapolis, IN
Proposal causes no interference.

Channel 44 WTSF-DT, Ashland, KY
Proposal causes no interference.

Channel 44 WZPX-DT, Battle Creek, MI
Proposal causes no interference.

Channel 44 WWJ-DT, Detroit, MI – Baseline: 5,131,248
Predicted New IX: 111, 0.002%; Less than 0.15% interference.

Channel 45 WXIN-DT, Indianapolis, IN
Proposal causes no interference.

Channel 45 WDIV-DT, Detroit, MI
Proposal causes no interference.

Channel 45 WLLA-DT, Kalamazoo, MI
Proposal causes no interference.

Based on the foregoing, it is concluded that the proposed new certified facility for WTLW-DT as described above would comply with the FCC 0.1% interference requirement. Pursuant to the FCC procedure, this includes the rounding factor, which allows for interference below 0.15% to be deemed compliant with the 0.1% criteria.

There is no significant additional interference that would be received by the WTLW-DT proposed allotment facility.[§] However, to the extent that additional

[‡] *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital*

interference would be caused to the WTLW-DT proposed new allotment facility by other licensee's allotments, this is hereby accepted.

There are no service area losses for the WTLW-DT proposed allotment facility relative to the WTLW-DT present allotment noise-limited service area. The service baseline population for the WTLW-DT proposed new allotment facility is calculated to be 558,000 (14,213 sq. km) according to the FCC procedure. The service baseline population for the present WTLW-DT 50-kW Allotment is 556,000 (14,055 sq. km). Thus, grant of this proposal would allow for an increase in WTLW-DT allotment baseline service population of 2,000 (158 sq. km) after the digital transition.



Louis R. du Treil, Jr., P.E.

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October 16, 2007

Television, MB Docket No. 03-15, Report and Order, 19 FCC Rcd 18279, 18281 (2004).

⁸ The calculated percent of interference received for the proposed Channel 44 allotment is 0.1%.